

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sunit B. Mangalvedhekar
Serial No.: 10/085,217
Filing date: February 27, 2002
Confirmation No.: 6980
Group Art Unit: 2161
Examiner: Frantz Coby
Title: ELECTRONIC FILES PREPARATION FOR STORAGE IN A
SERVER

Mail Stop - AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. The Applicant respectfully requests reconsideration of the Application in light of the remarks set forth below.

REMARKS

Applicant contends that the rejections of Claims 1-4, 7-11, 14-20, 23-29, and 32 on prior art grounds contain clear legal and factual deficiencies, as described below. In a Final Office Action dated May 16, 2006, Claims 1-4, 7-11, 14-20, 23-29, and 32 were rejected as being anticipated by U.S. Patent No. 6,408,296 to *Acharya*. Applicant requests a finding that these rejections are improper and allowance of these claims.

With respect to Claim 1, the Final Office Action contends that *Acharya* discloses "transmitting, to a server, the selected file, the profile, and the at least one associated file." Applicant contends that *Acharya* does not disclose this limitation for the reasons described in Applicant's Response dated July 17, 2006 at Page 8. In short, Applicant contends that *Acharya* fails to teach this limitation because the Final Office Action fails to show that what it contends meets the profile limitation is indeed transmitted to a server, as claimed. The Final Office Action claims, at page 3-4, that an indirect link described in the reference is a profile ("the indirect link is the immediate file associated with the file in *Acharya et al.*; that therefore, falls in the category of a profile."), but does not identify that this indirect link is transmitted to a server, as claimed. For instance, the Final Office Action points to Col. 3, lines 53-62 of *Acharya* as disclosing that an indirect link is transmitted to a server. *See* Final Office Action, Page 4. However, this passage clearly discloses that it is the logical reference that is transmitted to the server, not the indirect link:

Upon selection of the indirect link, the client transmits the logical reference to the server identified in the logical reference associated with the indirect link using the GET URL request. The server maintains a look-up table which stores the mapping of every logical reference exported from the server to its current physical location (i.e., electronic address) on the server. When the server receives the logical reference, it checks the look-up table to determine the current electronic address of the file and then retrieves and transmits the file to the client in the usual fashion.

See Acharya, Col 3, Lines 53-62 (emphasis added).

Because the Final Office Action claims that an indirect link is a profile, and *Acharya* clearly fails to disclose transmitting an indirect link to a server, *Acharya* fails to disclose the limitations of Claim 1. Applicant contends that the rejection of Claim 1 is improper, as are the rejections of Claims 2-4, 7-11, 14-20, 23-29, and 32 for the same or analogous reasons.

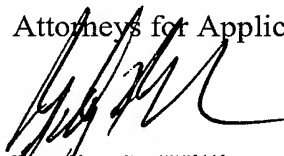
Additionally, with respect to Claim 1, the Final Office Action contends that *Acharya* discloses “generating a profile for a selected file, the profile identifying at least one associated file to be accessed by the selected file.” Applicant respectfully contends that the argument for *Acharya* disclosing this limitation, as seen in the Final Office Action at page 3 and pages 6-7, is clearly flawed. First, the Final Office Action claims that an indirect link is a profile because according to the Final Office Action, but denied by the Applicant, the indirect link satisfies the Applicant’s description of a profile. *See* Final Office Action, Page 3. The Final Office Action states that the Applicant describes a profile as “files that are immediately associated with the file,” referencing Page 11, line 31 through Page 12, line 1 of the Applicant’s specification. *See id.* This is incorrect. Applicant’s specification clearly states at Page 11, line 31 through Page 12, line 1 that a profile “may identify files immediately associated with the files,” not that the profile is the file(s) immediately associated with the files.

Second, the Final Office Action points to Col. 3, lines 35-62 and Fig. 3 of *Acharya* as disclosing “generating a profile for a selected file, the profile identifying at least one associated file to be accessed by the selected file.” These passages, however, contradict the claim in the Final Office Action that an indirect link is a profile. In fact, the passages clearly disclose that it is the logical reference that identifies the file, not the indirect link. *See Acharya*, Col. 3, Lines 37-40 (disclosing “a logical reference which uniquely identifies a file independently of the file’s location on a server.”). As a result, *Acharya* fails to disclose the limitations of Claim 1. Applicant contends that the rejection of Claim 1 is improper, as are the rejections of Claims 2-4, 7-11, 14-20, 23-29, and 32 for the same or analogous reasons.

CONCLUSION

As the rejections of Claims 1-4, 7-11, 14-20, 23-29, and 32 contain clear deficiencies, Applicant respectfully requests a finding of allowance of Claims 1-4, 7-11, 14-20, 23-29, and 32. To the extent necessary, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

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